

1888-057 Chancery Causes: Daniel H. Bruce & vs. Anderson Robbins &  
Lee Co.

Ely, Pennington, Zion

CA-Debt  
T-Property



To the Hon. H. B. K. Morison Judge of the Circuit Court of Lee County Virginia.

The bill of complaint of Daniel H. Bruce and Thomas J. Ely would respectfully represent, that some time prior to the 17th day of September 1887. they became the securities of one Anderson Robbins for the sum of \$20.00 to one Eli Hughes a note or bond was executed therefor to said Hughes and <sup>was</sup> signed and delivered by said Robbins Bruce & Ely to him for that sum with interest from Sept 17 1887. till paid And said note or bond was at a subsequent time assigned or transferred by said Hughes to one John M. Smith

Your Orators state that on the 25th day of Nov. 1887. Suit was brought on said note or bond before John S. Myers a justice of the peace for said county in the name of said Eli Hughes for the benefit of John M. Smith against said Anderson Robbins and your Orators Bruce and Ely, and on the 26th day of Nov. 1887. the said Justice rendered a judgment thereon in favor of said Hughes for the benefit of said Smith against said Anderson Robbins & your Orators D. H. Bruce and Thomas J. Ely for the sum of \$20.00 with legal interest thereon from the 17th day of Sept 1887 till paid, and the costs amounting to \$1.00 and the original <sup>warrant</sup> in the cause



and the said judgment and Execution which issue thereon is herewith filed as a part of this bill marked (A) and the same is prayed to be so considered.

Your Orators further state that said judgment was returned to the clerk's office of Lee County Court and was entered by the clerk of that court in the execution book kept therein for justices judgments, and an execution, <sup>was</sup> issued thereon by the clerk of said county court, and for these services the said clerk became entitled to \$1.13 which constitutes a further part of the costs incident to said suit.

Your Orators further state that said judgment has been regularly docketed on the Judgment lien docket in said county court as shown by extracts taken therefrom herewith filed marked (B)

Your Orators further state that on or about the 5<sup>th</sup> day of Decr 1887 they were called upon and did pay as the securities of said Robbins the sum of \$22.42 of which Your Orator Bruce paid one half and your Orator Ely the other half.

Your Orators further state that at the time said judgment was rendered as well as now, the said Anderson Robbins was and is the owner of a tract of land in said County of Lee in the Berab. orchard country and on Joneses Creek which was conveyed to him by Levi Pennington about the year 1873 when so conveyed contained more than



200 acres a part of which has been sold and conveyed by said Robins, but he is still the owner of a considerable portion thereof.

Your Orators are advised that said judgment operates as a lien on so much of said land as was owned by said Robins on the 26<sup>th</sup> day of Nov. 1887. the date of said judgment.

Your Orators further state that by deed dated the 24<sup>th</sup> day of Feb. 1887, and recorded April 25 1887. the said Anderson Robins wife conveyed said land to one Elijah W. Pennington as trustee to secure to one Wm. D. Gian a debt supposed to be about \$50.00 And your Orators have been informed and hence they allege that all of said debt so secured by said deed of trust to be paid, has been paid to said Gian except about \$15.00 and this, or whatever may be due thereon constitutes a lien on said land which is older in point of time, and has priority over the said judgment at law.

Your Orators are advised that since they as the securities of said Robins have paid off and discharged the said judgment which operated as a lien on said land in <sup>favor of</sup> said Hughes for the benefit of said Smith, that they are entitled in a court of equity to be substituted, to the lien of said Hughes judgment, for the benefit of said Smith.



and to have the said lien enforced by a sale of said land for their benefit, and to attain that end is the object of this bill.

The premises considered Your Orators pray that said Anderson Robbins, E. W. Pennington Trustee and W. D. Hyman be made defendants to this bill and be required to answer the same fully on oath. And upon a hearing of the cause a Decree be entered substituting your Orators to the lien of said Hughes judgement and that the real estate of said Robbins be sold to pay the balance due on said deed of trust if said Hyman shall so desire, and to reimburse your Orators for the money so paid out by them, and if said Hyman shall not desire to have his said lien now enforced, then that so much of said lands be sold, subject to said deed of Trust as will pay the said judgement lien and interest thereon from the day of 188 till paid & the costs of this suit, and if Mistaken in this their special prayer then your Orators pray for all general relief, May please.

Henry J. Morgan for Plffs



6.11 to April 1888  
S 1.50 paid  
A 15.00  
Esti 5.00  
\$27.61

Bruce & Ely

H. J. M.

vs.  $\frac{1}{3}$  Original Bill

Anderson Robinson & Co

1888 Feby. Bill filed Sp. Ex-  
cuted + D. Crisi

" Mr. D. Crisi Confd. and  
Cause set for hearing.

" Apr. Decree Confd.

Aug. Sale confd + deed ordered.

" Deed Confd. + decree final.

Decree final



The joint demurrers of E. H. Pennington Trustee, Anderson Robbins, and W. D. Ziaer to a bill of complaint exhibited against them, in chancery, in the circuit court of the U. S., by D. H. Bruce and T. J. Eley.

The said defendants not confessing or acknowledging all or any of the matters in and by the said bill set forth and complained of, to be true in manner and form as the same are therein set forth and alleged, say that they are advised that there is no matter or thing in the complainant's said bill contained <sup>good</sup> and sufficient in law to call these defendants to account in this court for the same; and they do demur thereto accordingly, and for cause of demurrer thereto say that the said bill, if the same were true, which these defendants do in no wise admit, contains not any matter of equity whereon this court can grant any decree, or give the complainant any relief or assistance, as against these defendants. Wherefore and for divers



errors and defects in the said bill  
of complaint-contained, and appear-  
ing on the face thereof, the said de-  
fendants do as aforesaid demur  
in law thereto, and do humbly  
crave the judgment of this court,  
whether they can be sued to re-  
force the <sup>plaintiffs</sup> claim of \$20<sup>00</sup> without-  
plaintiffs first-giving  
the notice <sup>in manner and form</sup> as required by chap-  
ter 78 section 9 of the acts of the  
General Assembly of 1877-8, §68  
and whether they can be com-  
pelled or ought-to make any an-  
swer thereto than as aforesaid.  
And these defendants humbly  
pray to be hence dismissed with  
their costs and charges in this be-  
half expended and most wrong-  
fully sustained.

W. W. Cunningham  
for Defendants.

A. Robinson et al

vs } Defendants

T. S. Ely vs T. S. Bruce



Bruce & Ely                      Peff  
vs.                                      } In Ely  
Anderson Robbins & al        Defts }

This cause came on to be finally heard on the papers heretofore read in the cause, and the report of Special Commr. H. J. Morgan made and filed during the present term showing the execution of the deed of conveyance to Thomas J. Ely the purchaser of the land in the bill mentioned pursuant to a former decree in the cause was argued by counsel. And the said report and deed being accepted to the consideration of all which it is adjudged ordered & decreed that said report and deed be confirmed, and the clerk of this will deliver said deed to the county court clerk for recordation, and no further action being necessary in the cause the parties are hereby dismissed & the cause stricken from the docket.



Bornet & Ely

vs  $\frac{1}{3}$  Decm No. 3 final

Anderson Robbins cal

Entered Page 153.

J. A. D. Lyall acc

Enter this  
Sept 5 1888  
P. S. K. M.



Bruce & Ely

vs.

Peffs

Defts

In Lohy

Anderson Robbins & al

This cause came on this day to be further heard on the papers formerly read, and the report of Special Court H J Morgan dated July 3<sup>rd</sup>. and filed in the cause Augt 20 1888 showing the sale of the land in the bill mentioned, and was argued by counsel. And the said report being unaccepted to. On consideration of all which it is adjudged ordered and decreed that said report be and the same is confirmed and pursuant to a suggestion therein made Henry J Morgan is appointed a Special Court for the purpose who is directed to convey with covenants of Special warranty, the tract of land in the bill mentioned to Thomas J Ely the purchaser thereof reserving therein the vendors lien for \$11.59 the balance of the purchase money with interest from July 3 1888 and said Court will report his action to the court, and until the coming in thereof the cause is continued.



Bruce & Ely

27. } Dec. 2

Anderson Robbins & Co

Enter this  
Sep 1888.

Sept 1888.

11



Bruce & Elg

Pepps.

vs.

Anderson Robbins vs Defts

In Chy

This cause came on this day to be heard on the bill of the Pepps and exhibits therewith and the same were thereunto by the rights. And the said summons being read and considered, is decreed by the Court and no other defence being offered it appears to the Court that the Plaintiffs are entitled to be subordinated to the sum awarded by the judgment at law in the bill mentioned and to have the same enforced for their benefit, by a sale of so much of the land in the bill mentioned as will reimburse them for the same, paid as the duties of the defendant Robbins subject to the deed of trust in the bill mentioned. It is therefore adjudged, ordered & decreed that the Pepps recover against the defendant Robbins <sup>the amount thereof at date of judgment</sup> \$52.47 with legal interest thereon from the 5th day of Decr. 1887 till paid and the costs of this suit, and unless the same be paid the Pepps within 20 days from the rising of the Court, then it is further adjudged and decreed that so much of the debt Robbins land in the bill mentioned be sold as will pay the sum above decreed the Pepps subject to the deed of trust referred to in the bill, but the sale the decreed so much cash as will pay the costs of suit and sale shall be required to be paid in hand and as to the residue three months time shall be given with interest to date the purchaser to give bond with approved security for the defendant's payment, said sale shall be made after 30 days notice showing time and place of sale, it shall be made at public auction to the highest bidder at the Court door of the Court House of San County on some Court day & J. Morgan is appointed a Court to execute this decree.



Brace & Co

17 December 1891

Wm. Robbins & Co

Central City  
"B. page 132

Payatt C.C.

Central City  
April 1892  
H. R. Wm

who before closing is required to execute bond  
before the clerk of the court with good security in the  
sum of \$100 with condition faithfully to account  
for all money he may receive by virtue of being such Clerk.  
He will report his action to the court & the cause is continued



6. 11

Receipt of Henry S. Morgan Court  
in the Chancery Cause of <sup>John</sup> ~~James~~ <sup>Polk</sup>  
vs Anderson & others at \$1000 Dollars  
+ 11 Cents only fees for said Cause  
August 22 1888 C. H. Hyatt & Co.



Bruce & Ely

vs.

Peffer

In Chancery.

Anderson Robbins & Co

Defto

To the Hon, H. H. Morrison Judge of the Circuit Court of Lee County Virginia:

Pursuant to your decree entered in this cause on the 5<sup>th</sup> day of April 1888. I proceeded on the 3<sup>rd</sup> day of July 1888 to offer for sale, that being county court day, the tract of land in the bill mentioned to the highest bidder at public auction on the terms prescribed by said decree when Thomas J. Ely offered therefor the sum of \$53.32 subject to the order in the bill mentioned and that being the highest and best price offered for said land, the said Thomas J. Ely became the purchaser thereof at that price said Ely thereupon paid me in hand the sum of \$27.61 the costs of suit which I have accounted for in the manner shown in the table at the foot of this report. And one half the debt to enforce which this suit was brought being due to him I only required him to give bond for \$11.59 the other half thereof due to the Peffer Bruce with as his security payable three months after date with interest from July 3 1888. The land did not bring a large price but it is poor and so situated as that it will not at any time bring a full price I therefore think the sale ought to be confirmed. Mr Ely having paid the cost and one half the debt. I think it would be safe to make him a deed of conveyance for the land retaining the vendors lien, and then strike the cause from the docket.

The following table shows how I have disposed of the cost.

Recd of H. H. Morrison Bank one dollar  
and fifty cents Sheriff's fee in the cause.



Bowen & Ely

20 { Bone Report - Sale of land

Anderson Robbins and

Filed Aug 20 1888

Do not put in

Confirmed Sep 4/88. Number 102

Cash paid down on day of sale	\$27.61
By attorneys fee returned	\$15.00
By 5 per cent commission on sales	2.53
By this sum paid Hyatt clerks cost	6.11
By " " " Sheriffs cost	1.50
By fee for making deed returned	2.50
	\$27.64

All which is respectfully submitted

Henry J. Morgan Counselor  
July 3 1888



Bruce & Ely

vs.

Peffer

} In Ely

Anderson Robbins vs. Defto

To the Hon, H. S. K. Merison Judge of the Circuit  
Court of Lee County Va.

As directed by your decree entered in this cause on  
the 4<sup>th</sup> day of Sept, 1888 I have made and acknowledged  
for record a deed conveying to Thomas J. Ely the tract  
of land in the bill mentioned with covenants of Special  
warranty reserving the vendors lien for the unpaid  
balance of the purchase money

Respectfully submitted

Henry J. Morgan Special Court.

Sept 5 1888



Bruce & Ely

vs. } Case Report of deed

Anderson Robbins et al

Filed Sept 7 1888

Confirmed Sept 5 1888 San Francisco



**Virginia—Lee County, to wit:**

To *J. W. Myers*

Constable of said county:

I hereby command you to summon *Anderson Robins* if to be found  
in your district, to appear at *my office* in said county, on the *26* day of  
*November* 188*7* before me or such other Justice of said county as may then

be there, to try this warrant: to answer the complaint of *Eli Hughes* in favor of  
and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for

the sum of \$*20 00* due by *Note*. And then and there

make return of this warrant. Given under my hand the *25* day of *November*  
188*7* *J. W. Myers* J. P.

*Eli Hughes*  
*D. H. Bruce* *Anderson Robins* } On the *26* day of *November* 188*7*  
V. S. *Robins* } In debt.  
*Thomas J. Elly* } At *my office* in said county.

Judgement, That the plaintiff recover of the Defecat, \$*twenty* dollars with  
interest thereon from *17* day of *September* 188*7* till paid, and  
\$*1 00* for cost. *J. W. Myers* J. P.

**Virginia—Lee County to wit:**

To *J. W. Myers*

Constable of said county:

I command you, In the name of the Commonwealth of Virginia, that  
of the goods and chattles of *Anderson Robins* in your county,  
you cause to be made the sum of \$*20 00* with interest thereon from the

*17* day of *September* 188*7* till paid, which *Eli Hughes* in favor of  
has recovered before me in a warrant in Debt, and also the sum of \$*1 00* which  
were adjudged to said *Eli Hughes* for costs in prosecuting said war-  
rant given under my hand *26* day of *November* 188*7*  
*J. W. Myers* J. P.



Jan 26 1888

Eli Hughes  
VS } warrant  
A. Rappins  
J. A. Bruce  
J. J. Elz

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Executed November 25-78  
Filed at Docket on J.P.  
Docket & fi fa. Dec.  
Jan 1887

J. R. Gibson clk  
(A)

clk #113

Docket Dec 6 1887



Eli Hughes for J. M. Smith  
vs.

Anderson Robbins D. H. Bruce  
and Thomas J. Ely.

Judgt for \$20.00 with interest from  
the 17<sup>th</sup> of Sep 1887 till paid and  
the cost. J. P. 1.00 Clerk 1.13

Docketed on Am Dockett  
Jan 12 1888.

Extra do from Judgt in dockett

Teste

John R. Gibson Clerk



Anderson Robin's owl

ads.  $\frac{1}{3}$  Extract just L. D.

Eli Hughes for Smith

(B)



Eli Hughes for J. M. Smith  
est

A. Robins D. H. Bruce v. J. Ely.

E. W. Pennington trustee for benefit  
of Wm Zane v W. B. Myer.

} Judgment for \$2000 with  
interest from Sept 17 1857  
till paid & the costs, J. P. 100

C. 1.13



Book 22  
P 277 Deed trust Anderson Rolins wife to E. W. Pennington  
for benefit of W. D. Jim Feb 24 1887 Recorded April 15 '88.  
clerk secured - Supposed \$50.

Land lies on Jones Creek and Lake Branch

634  
378  
1012



Know all men by these presents  
that we H. J. Morgan and J. A. Hyatt  
are held firmly bound unto the Common-  
wealth of Virginia in the sum of one  
Hundred Dollars, and for the prompt  
payment thereof well and truly to be  
made unto the said Commonwealth, we each  
bind ourselves heirs &c and we as  
to this bond waive our Home-  
stead exemptions, witness our  
hands and seals this 3<sup>rd</sup> May 1888.

The Condition of this bond is  
such that whereas the above bound  
H. J. Morgan was, by a decree  
entered in the Chancery Cause of  
Bruce and Ely vs Anderson Rob-  
ins et al. at the April Term 1888,  
of the Circuit Court for Lee County Va  
appointed a Comr, and directed  
to sell certain lands mentioned in  
said bill. Now therefore should  
the said Morgan promptly perform  
the duties assigned him and justly  
account for all money he may receive  
as such Comr then this obligation  
to be void otherwise to remain  
in full force Henry J. Morgan *[Signature]*  
J. A. Hyatt *[Signature]*



Bruce and Ely  
vs <sup>1</sup> Court  
Bond  
Anderson Robbins et al

Filed May 8<sup>th</sup> 1888.  
J A Hyatt



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Anderson Robbins*  
*E. W. Pennington and*  
*W. L. Zion*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court  
against *them* by *Daniel H. Bruce*  
*and Thomas J. Ely*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *24<sup>th</sup>* day of *January* 1888, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



(H. J. M)

The Commonwealth of Virginia  
To The Sheriff of Lee County Creating  
D. H. Barnes et al

vs  
Spec in chcy

Anderson Robbins et al

To February Rules 1888.

Executed by

delivered and

office copy of this

Summons to

Anderson Robbins

E. W. Pennington

& W. D. Lian

Feb. 3, 1888

R. S. Johnson

for S. H. Ewing

85.00